

## EU Asylum and Migration Legislation Ireland's Participation

Short title	Participation Yes / No	Irish Transposing Legislation
<b>Asylum Legislation</b>		
<a href="#">Asylum Procedures</a>  <b>Council Directive 2005/85/EC</b>	Yes	<p>The <a href="#">Refugee Act 1996</a> provides for how applications for declarations of refugee status are made, investigated and determined in Ireland. Provision is also made for revocation of refugee status. The Act predated Council Directive 2005/85/EC but was broadly compatible with its requirements, with some limited amendment being required by way of statutory instrument in 2011.</p> <p>The <b>European Communities (Asylum Procedures) Regulations 2011 (S.I. 51/2011)</b> These Regulations, signed in February 2011, set out minimum standards on procedures for granting and withdrawing refugee status, particularly in respect of procedures regarding the interview for asylum, safe countries of origin, and subsequent asylum claims.</p> <p>The <b>Refugee Act 1996 (Asylum Procedures) Regulations 2011 (S.I. 52/2011)</b> This instrument, signed in February 2011, transposed certain aspects of Directive 2005/85/EC regarding asylum procedures (particularly regarding minors); safeguards in respect of the conduct of the asylum interview; and the language of notices to applicants for asylum.</p>
<a href="#">Asylum Procedures (Recast)</a>  <b>Directive 2013/32/EU</b>	No	N/A
<a href="#">Dublin Convention</a>  <b>CONVENTION determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities</b>  <i>The Dublin Convention was replaced by the Dublin Regulation, as per Art. 24(1) thereof</i>	Yes	<p><b>Dublin Convention (Implementation) Order 2000</b></p> <p>Signed 15 June 1990; entered into force 1 September 1997.</p> <p>Dublin Convention (Implementation) Order 2000 (<a href="#">S.I. 343/2000</a>) entered into force on 20 November 2000; replacing the Dublin Convention (Implementation) Order 1997 (S.I. 360/1997).</p> <p>The Refugee Act 1996 (Section 22) Order 2003 (S.I. 423/2003) was made for the purpose of giving effect to Council Regulation (EC) No. 343/2003 and specified at reg. 2(2) the limited circumstances in which S.I. 343/2000 continued to apply.</p>

## EU Asylum and Migration Legislation: Ireland's Participation

Short title	Participation Yes / No	Irish Transposing Legislation
<a href="#">Dublin Regulation</a>	Yes	<b>Refugee Act 1996 (Section 22) Order <a href="#">S.I. No. 423/2003</a></b>
<b>Council Regulation 343/2003</b> <i>This Regulation has now been repealed and replaced with the Dublin Regulation (Recast)</i>		Entered into force on 15 September 2003. As a Council Regulation it was directly applicable in Irish law, though The Refugee Act 1996 (Section 22) Order 2003 (S.I. 423/2003) was made for the purpose of giving effect to it. It applied to applications for asylum made on or after the 1 September 2003. It specified at reg. 2(2) the limited circumstances in which S.I. 343/2000 continued to apply.
<a href="#">Dublin Regulation (Recast)</a>	Yes	<b>European Union (Dublin System) Regulations 2014 (<a href="#">S.I. 525/2014</a>)</b>
<b>Regulation 604/2013</b>		Entered into force on 19 July 2013; applicable to applications for international protection lodged as from 1 January 2014. It repealed Council Regulation (EC) No. 343/2000.  As a regulation, it was directly applicable in Irish law, though the European Union (Dublin System) Regulations 2014 were made for the purpose of giving further effect to it (S.I. 525/2014). They repealed The Refugee Act 1996 (Section 22) Order 2003 (S.I. 423/2003).
<a href="#">Eurodac</a>	Yes	N/A
<b>Council Regulation 2725/2000</b>		
<a href="#">Eurodac (Recast)</a>	Yes	N/A
<b>Regulation 603/2013</b>		
<a href="#">Family Reunification</a>	No	N/A
<b>Council Directive 2003/86/EC</b>		
<a href="#">Reception Conditions</a>	No	N/A
<b>Council Directive 2003/9/EC</b>		
<a href="#">Reception Conditions (Recast)</a>	No	N/A
<b>Directive 2013/33/EU</b>		
<a href="#">Return</a>	No	N/A
<b>Council Directive 2008/115/EC</b>		

## EU Asylum and Migration Legislation: Ireland's Participation

Short title	Participation Yes / No	Irish Transposing Legislation
<a href="#">Smuggling</a> Council Directive 2002/90/EC	Yes	As this is a Schengen related measure it, will only become binding on Ireland with the completion of the Ireland Schengen evaluation. Certain elements of this Directive are already reflected in Irish statute and common law provisions (e.g. Illegal Immigrants (Trafficking) Act 2000). Other elements require new legislative provisions which will be incorporated into forthcoming immigration legislation.
<a href="#">Qualifications</a> Council Directive 2004/83/EC	Yes	<p>Partially transposed by <b>European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518/2006)</b>. The 2006 Regulations gave effect to the Directive's criteria for eligibility for subsidiary protection and provisions for international protection assessment criteria.</p> <p>In 2011, the <b>European Communities (Eligibility For Protection) (Amendment) Regulations 2011 (S.I. 405/2011)</b> amended S.I. 518/2006 to give further effect to the Directive, introducing a fee for travel documents for beneficiaries of subsidiary protection</p> <p>Although not expressly referring to the Qualification Directive (2004/83/EC), in July 2011 the <b>Refugee Act 1996 (Travel Document And Fee) Regulations 2011 (S.I. 404/2011)</b> introduced a fee for travel documents for refugees.</p> <p><b>The European Union (Subsidiary Protection) Regulations 2013 (S.I. 426/2013)</b>. These Regulations gave further effect to the Qualification Directive (2004/83/EC). They came into operation on 14 November 2013.</p> <p>The <b>European Union (Subsidiary Protection) (Amendment) Regulations 2015 (S.I. 137/2015)</b>. The 2015 Regulations gave further effect to the Qualification Directive (2004/83/EC), inter alia removing a definition of "torture" from the 2013 Regulations which had been found defective by the Irish High Court.</p>
<a href="#">Qualifications (Recast)</a> Directive 2011/95/EU	No	N/A
<a href="#">Temporary Protection</a> Council Directive 2001/55/EC	Yes	By Decision 2003/690/EC of 2 October, 2003, this Directive was deemed to apply to Ireland. No transposition measures were necessary as the <a href="#">Refugee Act, 1996</a> provided the necessary framework for implementation.
<a href="#">Trafficking</a> Council Directive 2004/81/EC	No	N/A

## EU Asylum and Migration Legislation: Ireland's Participation

Short title	Participation Yes / No	Irish Transposing Legislation
<a href="#">Trafficking</a> Directive 2011/36/EU	Yes	The majority of the criminal law measures in Directive 2011/36/EU were already implemented by the <a href="#">Criminal Law (Human Trafficking) Act 2008</a> . This Act created offences criminalising trafficking in persons for the purposes of sexual or labour exploitation, or for the removal of their organs, and criminalised the selling or purchasing of human beings. However, the Directive provided for the criminalisation of two additional forms of exploitation not covered by existing legislation, i.e., trafficking for the purposes of forced begging and trafficking for criminal activities. These are provided for in <a href="#">Criminal Law (Human Trafficking) (Amendment) Act 2013</a> .
<b>Migration Legislation</b>		
<a href="#">Blue Card</a> Council Directive 2009/50/EC	No	N/A
<a href="#">Intra Corporate Transfer</a> Directive 2014/66/EU	No	N/A
<a href="#">Long Term Residence</a> Council Directive 2003/109/EC	No	N/A
<a href="#">Long Term Residence (Recast)</a> Directive 2011/51/EU	No	N/A
<a href="#">Researchers</a> Council Directive 2005/71/EC	Yes	The specific procedure for admitting third-country nationals for the purposes of carrying out scientific research was transposed in October 2007 as an administrative scheme - ' <b>Scheme for Accreditation of Research Organisations</b> ' under powers provided by current legislation and as agreed with the then Department of Enterprise, Trade and Employment.
<a href="#">Seasonal Workers</a> Directive 2014/36/EU	No	N/A
<a href="#">Single Permit</a> Directive 2011/98/EU	No	N/A
<a href="#">Students</a> Council Directive 2004/114/EC	No	N/A

## EU Asylum and Migration Legislation: Ireland's Participation

<a href="#">Passenger Data</a> Council Directive 2004/82/EC	Yes	<a href="#">European Communities (Communication of Passenger Data) Regulations 2011</a> (S.I. No. 597/2011)
--	-----	--